

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CASE NO. 5:19-CV-297-BO

UNDER ARMOUR, INC.,  
Plaintiff/Counterclaim  
Defendant,  
v.  
BATTLE FASHIONS, INC. and KELSEY  
BATTLE,  
Defendants/Counterclaim  
Plaintiff.

**STIPULATION TO DISMISS ALL  
CLAIMS PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE  
41(a)(1)(A)(ii)**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and Counterclaim Defendant Under Armour, Inc. (“Under Armour”) and Defendants and Counterclaim Plaintiffs Battle Fashions, Inc. and Kelsey Battle (collectively, “Battle”), by and through their undersigned counsel, hereby stipulate to dismiss from this action with prejudice all claims in this action. Under Armour and Battle further stipulate that all attorneys’ fees, costs of court, and expenses shall be borne by each party incurring the same.

Accordingly, IT IS HEREBY STIPULATED AND AGREED by and between the parties, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. Under Armour’s claims against Battle are dismissed with prejudice;
2. Battle’s claims against Under Armour are dismissed with prejudice; and
3. Under Armour and Battle further stipulate that all attorneys’ fees, costs of court, and expenses shall be borne by each party incurring the same.

IT IS SO STIPULATED.

DATED: July 30, 2021

Respectfully submitted,

/s/ Morgan Chu

IRELL & MANELLA LLP

Morgan Chu

A. Matthew Ashley

Conor Tucker

Tate Harshbarger

1800 Ave. of the Stars, Suite 900

Los Angeles, California 90067

Phone: (310) 277-1010

Fax: (310) 203-7199

Mchu@irell.com

Mashley@irell.com

Ctucker@irell.com

Tharshbarger@irell.com

*Attorneys for Defendants Kelsey Battle and Battle  
Fashions, Inc.*

/s/ Kelly Margolis Dagger

ELLIS & WINTERS LLP

Leslie C. Packer

N.C. State Bar No. 13640

Leslie.packer@elliswinters.com

Kelly Margolis Dagger

N.C. State Bar No. 44329

Kelly.dagger@elliswinters.com

P.O. Box 33550

Raleigh, North Carolina 27636

Phone: (919) 865-7000

Fax: (919) 865-7010

*Local Civil Rule 83.1 Counsel for Defendants Kelsey  
Battle and Battle Fashions, Inc.*

DATED: July 30, 2021

Respectfully submitted,

By: /s/ Frank C. Cimino, Jr.

Roger A. Colaizzi, D.C. Bar No. 414025  
Frank C. Cimino, Jr., D.C. Bar No. 462406  
Meaghan H. Kent, D.C. Bar No. 977821  
Taylor G. Sachs, D.C. Bar No. 1048882  
UABattle@venable.com  
VENABLE LLP  
600 Massachusetts Avenue, NW  
Washington, D.C. 20001  
Telephone: (202) 344-8051  
Fax: (202) 344-8300

*Counsel for Plaintiff Under Armour, Inc.*

By: /s/ W. Michael Dowling

W. Michael Dowling  
N.C. State Bar No. 42790  
Mike@dowlingfirm.com  
THE DOWLING FIRM PLLC  
P.O. Box 27843  
Raleigh, North Carolina 26711  
Telephone: (919) 529-3351

*Local Civil Rule 83.1 Counsel for Plaintiff  
Under Armour, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed with the Clerk of Court using the CM/ECF system, which will send notice of such filing to all counsel of record.

This the 30th day of July, 2021.

By: /s/ Kelly Margolis Dagger  
Kelly Margolis Dagger